

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MARIAN LUDKIEWICZ,

Plaintiff

v.

UNUM LIFE INSURANCE COMPANY
OF AMERICA

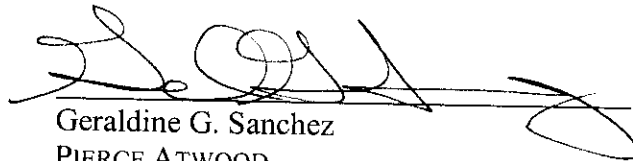
Defendant

Civil Action No. 04-30039-MAP

**DEFENDANT'S MOTION TO WITHDRAW ITS
MOTION TO DISMISS THE COMPLAINT**

Defendant Unum Life Insurance Company of America ("Unum") hereby moves to withdraw its Motion to Dismiss Plaintiff Marian Ludkiewicz' Complaint, dated April 21, 2004, on the basis that Plaintiff has now filed a Motion for Leave to Amend Complaint to bring all of Plaintiff's claims under the Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 001 *et seq.* ("ERISA"). As a result, the Motion to Dismiss has now been rendered moot. Therefore, Unum respectfully requests that its Motion to Dismiss be withdrawn. Unum also has no objection to Plaintiff's Motion to Amend the Complaint.

Dated: May 4, 2004



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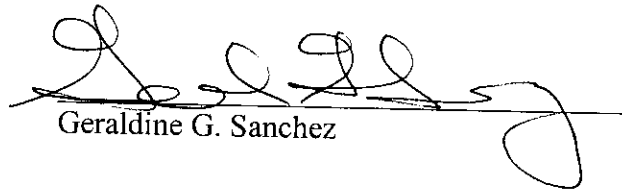
CERTIFICATE OF SERVICE

I hereby certify that a true copy of the within document was served upon counsel for Plaintiff, via overnight mail, postage prepaid, addressed as follows:

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DATED: May 4, 2004


Geraldine G. Sanchez